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November 28, 2017

The Honorable Judge Paul A. Engelmayer
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: 1:17-cv-01099-PAE Plaintiff's Third Letter Motion for Extension of Time within Which to Effectuate Service on John Doe Defendant

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC ("Plaintiff"), moves for entry of an order extending the time within which Plaintiff has to serve Defendant with a Summons and Amended Complaint, and states:

1. This is a copyright infringement case against a John Doe Defendant known to Plaintiff only by an IP address. Defendant's true identity is known by their Internet service provider ("ISP").

2. On April 14, 2017, Plaintiff was granted leave to serve a third-party subpoena on Defendant's ISP, Time Warner Cable, to obtain the Defendant's identifying information [CM/ECF 11]. Plaintiff served the subpoena on or around April 14, 2017. Due to the time limits prescribed in the Order, Plaintiff did not expect to receive the ISP's response until August 15, 2017. However, Plaintiff did not receive the ISP's response until September 26, 2017.

3. On October 10, 2017, after a thorough investigation of the information provided by the ISP, Plaintiff amended its Complaint to name the Defendant [CM/ECF 16], and requested that the Clerk issue a summons as to the Defendant.

4. Upon receipt of the clerk issued summons, Plaintiff requested that its process server begin attempting to serve the Defendant. The process server has made attempts to serve the Defendant but has not completed service as of yet. The Defendant remains unserved and the process server requires additional time to effectuate service.

5. Pursuant to Fed. R. Civ. P Rule 4(m), Plaintiff is required to effectuate service on the Defendant by no later than November 28, 2017 [CM/ECF 20].

6. Procedurally, Plaintiff respectfully requests that the time within which it must effectuate service of a summons and Amended Complaint on the John Doe Defendant be extended at least thirty (30) days, up to and including December 28, 2017. .

7. This motion is made in good faith and not for the purpose of undue delay.

8. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it must serve the Defendant be extended until December 28, 2017.

Date: November 28, 2017

11/28/17

Granted. Plaintiff is to serve the defendant by December 28, 2017. Absent a renewed showing of good cause, plaintiff should not expect to receive further extensions.

SO ORDERED.

Paul A. Engelmayer

PAUL A. ENGELMAYER
United States District Judge

Respectfully Submitted,

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